

House Engrossed

State of Arizona
House of Representatives
Forty-sixth Legislature
Second Regular Session
2004

CHAPTER 6

HOUSE BILL 2194

AN ACT

AMENDING SECTIONS 32-1281, 32-1289 AND 32-1291, ARIZONA REVISED STATUTES;
AMENDING TITLE 32, CHAPTER 11, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING
SECTION 32-1286; RELATING TO DENTAL HYGIENISTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 32-1281, Arizona Revised Statutes, is amended to read:

32-1281. Practicing as dental hygienist; supervision requirements; definitions

A. A person is deemed to be practicing as a dental hygienist who IF THE PERSON does any of the acts or performs any of the operations including ~~and embraced~~ INCLUDED in the general practice of dental hygienists, dental hygiene and all related and associated duties.

B. Only a licensed dental hygienist or dentist may perform the following ~~dental hygiene procedures~~:

1. Prophylaxis.
2. Scaling.
3. Closed subgingival curettage.
4. Root planing.
5. Administering local anesthetics and nitrous oxide.
6. Placing of periodontal sutures AS PRESCRIBED IN SUBSECTION F OF

THIS SECTION.

~~7. Polishing of natural and restored surfaces of the teeth.~~

~~8.~~ 7. Examining the oral cavity and surrounding structures.

~~9.~~ 8. Periodontal examination.

~~10.~~ 9. Recording of clinical findings.

~~11.~~ 10. Compiling case histories.

C. A licensed dental hygienist may:

1. Expose and process dental radiographs.
2. APPLY TOPICAL FLUORIDE IF PRESCRIBED BY A DENTIST LICENSED PURSUANT

TO THIS CHAPTER.

~~2.~~ 3. Perform all functions authorized and deemed appropriate for dental assistants.

D. The board BY RULE shall, ~~by rule~~, prescribe the circumstances under which a licensed dental hygienist may:

1. Apply preventive and therapeutic agents, used in relation to dental hygiene procedures, to the hard and soft tissues.

2. USE EMERGING SCIENTIFIC TECHNOLOGY AND PRESCRIBE THE NECESSARY TRAINING, EXPERIENCE AND SUPERVISION TO OPERATE NEWLY DEVELOPED SCIENTIFIC TECHNOLOGY.

~~2.~~ 3. Perform other procedures not specifically authorized by this section.

E. Except as provided in ~~subsection~~ SUBSECTIONS F AND H OF THIS SECTION, a dental hygienist shall practice under the general supervision of a dentist licensed pursuant to this chapter.

F. Dental hygienists shall practice under the direct supervision of a dentist licensed pursuant to this chapter when performing the following procedures and after completing a course of study recognized by the board:

1. Administering local anesthetics.

1 2. Administering nitrous oxide analgesia.

2 3. Placing an interrupted suture interdentally to secure soft tissue
3 papillae which THAT may have inadvertently become displaced during root
4 planing or closed curettage procedures performed by the dental hygienist,
5 except that a dental hygienist may not position and suture soft tissue flaps
6 which THAT are reflected for surgical access and treatment. THIS PROCEDURE
7 APPLIES ONLY TO A DENTAL HYGIENIST WHO IS PERMITTED TO PERFORM PERIODONTAL
8 SUTURING ON OR BEFORE JULY 31, 2004.

9 G. A dental hygienist may perform dental hygiene procedures in the
10 following settings:

11 1. On a patient of record of a dentist within that dentist's office.

12 2. EXCEPT AS PRESCRIBED IN SECTION 32-1289, in a health care facility,
13 nursing home, public health agency or institution OR PUBLIC, PRIVATE OR
14 CHARTER SCHOOL on patients who have been examined by a dentist within the
15 previous year.

16 3. In a homebound setting on patients who have been examined by a
17 dentist within the previous twelve months YEAR.

18 H. A DENTAL HYGIENIST MAY PROVIDE DENTAL HYGIENE SERVICES ONLY IF THE
19 DENTAL HYGIENIST IS ACTING UNDER AN AFFILIATED PRACTICE RELATIONSHIP WITH A
20 DENTIST AS PRESCRIBED IN SECTION 32-1289.

21 H. I. For THE purposes of this article:

22 1. "Direct supervision" means that the dentist is present in the
23 office while the dental hygienist is treating a patient and is available for
24 consultation regarding procedures that the dentist authorizes and for which
25 he is responsible.

26 2. "General supervision" means that the dentist is available for
27 consultation, whether or not the dentist is in his office, over procedures
28 which the dentist has authorized and for which the dentist remains
29 responsible.

30 Sec. 2. Title 32, chapter 11, article 4, Arizona Revised Statutes, is
31 amended by adding section 32-1286, to read:

32 32-1286. Recognized dental hygiene schools; credit for prior
33 learning

34 NOTWITHSTANDING ANY LAW TO THE CONTRARY, A RECOGNIZED DENTAL HYGIENE
35 SCHOOL MAY GRANT ADVANCED STANDING OR CREDIT FOR PRIOR LEARNING TO A STUDENT
36 WHO HAS PRIOR EXPERIENCE OR COURSE WORK THAT THE SCHOOL DETERMINES IS
37 EQUIVALENT TO DIDACTIC AND CLINICAL EDUCATION IN ITS ACCREDITED PROGRAM.

38 Sec. 3. Section 32-1289, Arizona Revised Statutes, is amended to read:

39 32-1289. Employment of dental hygienist by public agency,
40 institution or school; definitions

41 A. A public health agency, OR institution or A public or private
42 school authority may employ DENTAL hygienists to perform necessary dental
43 hygiene procedures under either direct or general supervision pursuant to
44 section 32-1281.

1 B. A dental hygienist employed pursuant to subsection A BY A PUBLIC
2 HEALTH AGENCY OR INSTITUTION OR A PUBLIC OR PRIVATE SCHOOL AUTHORITY may
3 screen patients before an examination by a dentist WITHOUT ENTERING INTO AN
4 AFFILIATED PRACTICE RELATIONSHIP PURSUANT TO THIS SECTION.

5 C. A PUBLIC HEALTH AGENCY OR INSTITUTION, A PUBLIC OR PRIVATE SCHOOL
6 AUTHORITY OR GOVERNMENT SPONSORED PROGRAM THAT PROVIDES DENTAL SERVICES MAY
7 ENTER INTO A CONTRACT FOR DENTAL HYGIENE SERVICES WITH A LICENSEE WHO HAS
8 ENTERED INTO AN AFFILIATED PRACTICE RELATIONSHIP PURSUANT TO THIS SECTION.

9 D. THE DENTAL HYGIENIST AND THE AFFILIATED DENTIST MUST NOTIFY THE
10 BOARD OF THE BEGINNING OF THE AFFILIATED PRACTICE RELATIONSHIP AND PROVIDE
11 THE BOARD WITH A COPY OF THE AGREEMENT AND ANY AMENDMENTS TO THE AGREEMENT
12 WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF THE AGREEMENT OR AMENDMENT.
13 THE DENTAL HYGIENIST AND THE AFFILIATED DENTIST MUST ALSO NOTIFY THE BOARD
14 WITHIN THIRTY DAYS AFTER THE TERMINATION DATE OF THE AFFILIATED PRACTICE
15 RELATIONSHIP IF THIS DATE IS DIFFERENT THAN THE CONTRACT TERMINATION DATE.

16 E. A DENTAL HYGIENIST MUST SATISFY ALL OF THE FOLLOWING TO BE ELIGIBLE
17 TO ENTER INTO AN AFFILIATED PRACTICE RELATIONSHIP WITH A DENTIST TO PERFORM
18 DENTAL HYGIENE PROCEDURES IN AFFILIATED PRACTICE SETTINGS:

19 1. HOLD AN ACTIVE LICENSE PURSUANT TO THIS ARTICLE.

20 2. ENTER INTO AN AFFILIATED PRACTICE RELATIONSHIP WITH A SPECIFIC
21 DENTIST WHO IS LICENSED PURSUANT TO THIS CHAPTER.

22 3. HAVE HELD A LICENSE AS A DENTAL HYGIENIST FOR AT LEAST FIVE YEARS
23 AND ACTIVELY ENGAGED IN DENTAL HYGIENE PRACTICE FOR AT LEAST TWO THOUSAND
24 HOURS IN THE FIVE YEARS IMMEDIATELY PRECEDING THE AFFILIATED PRACTICE
25 RELATIONSHIP.

26 F. AN AFFILIATED PRACTICE RELATIONSHIP BETWEEN A DENTAL HYGIENIST AND
27 A DENTIST MUST BE IN WRITING AND MUST INCLUDE AT LEAST THE FOLLOWING:

28 1. AN IDENTIFICATION OF THE AFFILIATED PRACTICE SETTINGS IN WHICH THE
29 DENTAL HYGIENIST MAY ENGAGE IN DENTAL HYGIENE PRACTICE PURSUANT TO AN
30 AFFILIATED PRACTICE RELATIONSHIP.

31 2. AN IDENTIFICATION OF THE PROCEDURES AND STANDING ORDERS THE DENTAL
32 HYGIENIST MUST FOLLOW. THE STANDING ORDERS MUST INCLUDE THE CIRCUMSTANCES
33 IN WHICH A PATIENT MAY BE SEEN BY A DENTAL HYGIENIST.

34 3. A REQUIREMENT THAT THE DENTAL HYGIENIST REFER PATIENTS WHO HAVE
35 BEEN ASSESSED BY THE DENTAL HYGIENIST TO THE AFFILIATED DENTIST FOR TREATMENT
36 OR PLANNING THAT IS OUTSIDE OF THE DENTAL HYGIENIST'S SCOPE OF PRACTICE AND
37 THAT THE AFFILIATED DENTIST MAKE ANY NECESSARY REFERRALS TO OTHER DENTISTS.
38 IF THE PATIENT HAS NOT RECEIVED THE TREATMENT OR PLANNING FOR WHICH THE
39 REFERRAL WAS MADE, THE DENTAL HYGIENIST SHALL NOT PROVIDE FURTHER TREATMENT.

40 4. A REQUIREMENT THAT THE PATIENT BE INFORMED THAT THE DENTAL
41 HYGIENIST PROVIDING THE CARE IS A LICENSED DENTAL HYGIENIST AND THAT THE CARE
42 DOES NOT TAKE THE PLACE OF A DENTAL EXAMINATION.

43 G. THE BOARD SHALL ADOPT RULES REGARDING PARTICIPATION IN AFFILIATED
44 PRACTICE RELATIONSHIPS BY DENTISTS AND DENTAL HYGIENISTS THAT SPECIFY THE
45 FOLLOWING:

1 1. ADDITIONAL CONTINUING EDUCATION REQUIREMENTS THAT MUST BE SATISFIED
2 BY A DENTAL HYGIENIST.

3 2. ADDITIONAL STANDARDS AND CONDITIONS THAT MAY APPLY TO AFFILIATED
4 PRACTICE RELATIONSHIPS.

5 3. COMPLIANCE WITH THE DENTAL PRACTICE ACT AND RULES ADOPTED BY THE
6 BOARD.

7 H. EACH DENTIST IN AN AFFILIATED PRACTICE RELATIONSHIP MUST:

8 1. BE AVAILABLE TO PROVIDE AN APPROPRIATE LEVEL OF CONTACT,
9 COMMUNICATION AND CONSULTATION WITH THE AFFILIATED DENTAL HYGIENIST.

10 2. ADOPT STANDING ORDERS APPLICABLE TO DENTAL HYGIENE PROCEDURES THAT
11 MAY BE PERFORMED BY THE DENTAL HYGIENIST UNDER THE TERMS OF THE APPLICABLE
12 AFFILIATED PRACTICE AGREEMENT AND TO BE FOLLOWED BY THE DENTAL HYGIENIST IN
13 EACH AFFILIATED PRACTICE SETTING IN WHICH THE DENTAL HYGIENIST PERFORMS
14 DENTAL HYGIENE SERVICES UNDER THE AFFILIATED PRACTICE RELATIONSHIP.

15 I. EACH AFFILIATED DENTAL HYGIENIST WHEN PRACTICING UNDER AN
16 AFFILIATED PRACTICE RELATIONSHIP:

17 1. MAY PERFORM ONLY THOSE DUTIES WITHIN THE TERMS OF THE AFFILIATED
18 PRACTICE RELATIONSHIP.

19 2. MUST MAINTAIN AN APPROPRIATE LEVEL OF CONTACT, COMMUNICATION AND
20 CONSULTATION WITH THE AFFILIATED DENTIST.

21 3. IS RESPONSIBLE AND LIABLE FOR ALL SERVICES RENDERED BY THE DENTAL
22 HYGIENIST UNDER THE AFFILIATED PRACTICE RELATIONSHIP.

23 J. SUBJECT TO THE TERMS OF THE WRITTEN AFFILIATED PRACTICE AGREEMENT
24 ENTERED INTO BETWEEN A DENTIST AND A DENTAL HYGIENIST, A DENTAL HYGIENIST MAY
25 PERFORM ALL DENTAL HYGIENE PROCEDURES AUTHORIZED BY THIS CHAPTER EXCEPT FOR
26 THE PROCEDURES IDENTIFIED IN SECTION 32-1281, SUBSECTION B, PARAGRAPHS 4, 5
27 AND 6.

28 K. SUBJECT TO THE TERMS OF THE WRITTEN AFFILIATED PRACTICE AGREEMENT
29 ENTERED INTO BETWEEN A DENTIST AND A DENTAL HYGIENIST, A DENTAL HYGIENIST MAY
30 PERFORM DENTAL HYGIENE PROCEDURES IN AFFILIATED PRACTICE SETTINGS ONLY ON A
31 PERSON WHO IS EIGHTEEN YEARS OF AGE OR YOUNGER AND WHO IS:

32 1. ENROLLED IN A FEDERAL, STATE, COUNTY OR LOCAL HEALTH CARE PROGRAM.

33 2. PARTICIPATING IN THE NATIONAL SCHOOL MEAL PROGRAM.

34 3. FROM A FAMILY WITH A HOUSEHOLD INCOME THAT IS LESS THAN TWO HUNDRED
35 PER CENT OF THE FEDERAL POVERTY GUIDELINES.

36 L. THIS SECTION DOES NOT REQUIRE ANY DENTIST OR DENTAL HYGIENIST TO
37 ENTER INTO AN AFFILIATED PRACTICE RELATIONSHIP.

38 G. M. For THE purposes of this section: —

39 1. "AFFILIATED PRACTICE SETTING" MEANS THE DELIVERY OF DENTAL HYGIENE
40 SERVICES BY A DENTAL HYGIENIST UNDER AN AFFILIATED PRACTICE RELATIONSHIP
41 THROUGH A PUBLIC HEALTH AGENCY OR INSTITUTION, A PUBLIC OR PRIVATE SCHOOL
42 AUTHORITY OR A GOVERNMENT SPONSORED PROGRAM THAT PROVIDES DENTAL SERVICES.

43 2. "Screen" means visually examining the teeth and hard or soft tissue
44 of the mouth for obvious oral health problems for the purpose of advising the

1 patient of the need for dental care, and shall not include diagnosis or
2 treatment planning.

3 Sec. 4. Section 32-1291, Arizona Revised Statutes, is amended to read:
4 32-1291. Dental assistants; regulation; duties

5 A. A dental assistant may expose radiographs for dental diagnostic
6 purposes under the general supervision of a dentist licensed pursuant to this
7 chapter if the assistant has passed an examination approved by the board.

8 B. A DENTAL ASSISTANT MAY POLISH THE NATURAL AND RESTORED SURFACES OF
9 THE TEETH UNDER THE GENERAL SUPERVISION OF A DENTIST LICENSED PURSUANT TO
10 THIS CHAPTER IF THE ASSISTANT HAS PASSED AN EXAMINATION APPROVED BY THE
11 BOARD.

12 Sec. 5. Dental hygienists; course of study; existing rules

13 Until the board of dental examiners adopts rules to establish the
14 minimum course of study requirements for dental hygienists who wish to
15 perform dental hygiene services under an affiliated practice relationship,
16 a dental hygienist who wishes to practice under an affiliated practice
17 relationship pursuant to section 32-1289, Arizona Revised Statutes, as
18 amended by this act, must complete twelve additional hours of continuing
19 education and complete four additional hours of continuing education per
20 triennial license renewal period in each of the following subject areas:

- 21 1. Medical emergencies.
- 22 2. Pediatric and other special health care needs.
- 23 3. Pharmacology.

APPROVED BY THE GOVERNOR MARCH 26, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 26, 2004.

Passed the House March 15, 2004

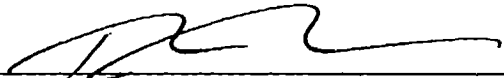
Passed the Senate March 22, 2004

by the following vote: 52 Ayes,

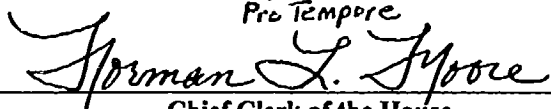
by the following vote: 28 Ayes,

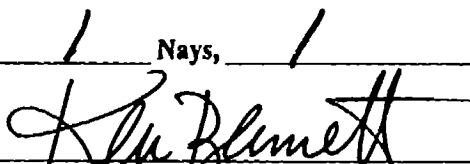
0 Nays, 8 Not Voting

1 Nays, 1 Not Voting

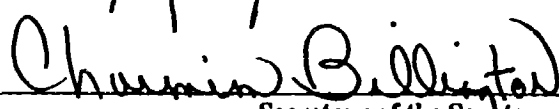


Speaker of the House
Pro Tempore


Chief Clerk of the House



President of the Senate



Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

23rd day of March, 2004.

at 12:47 o'clock P M.


Secretary to the Governor

Approved this 26 day of

March, 2004,

at 8⁴⁰ o'clock A M.

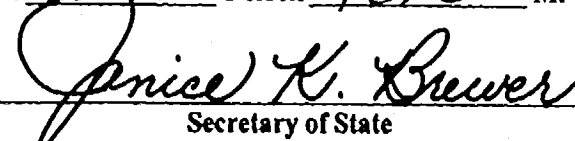

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 26 day of March, 2004,

at 10:05 o'clock P:05 M.


Secretary of State